

Statement of Senator Slade Gorton
Field Hearing on Bellingham Pipeline Accident and Ways to Improve Pipeline Safety
Senate Committee on Commerce, Science, and Transportation
Bellingham, Washington
March 13, 2000

I am honored to be here today with my colleague Senator Murray to conduct this field hearing on the Bellingham pipeline accident. This is an opportunity not only to commemorate the three young citizens of Bellingham who lost their lives last June 10th, but to learn from and apply the lessons of that day to the reauthorization of the federal Pipeline Safety Act. The rules of the Commerce Committee of the United States Senate, under the auspices of which this hearing is being conducted, regrettably are far more restrictive than what most of you are used to from public hearings. Only witnesses who have been invited to testify may do so. Since the point of this hearing is to obtain information and opinions that will inform the full Commerce Committee in its work on revising federal law, however, I invite anyone who is interested to submit written comments to the Committee within 10 days. Your written comments will be made a part of the record of these proceedings.

Because I am here to listen rather than talk, and given the length of the witness list, I will keep my comments brief.

Until three young men were killed in a devastating liquid pipeline explosion in Bellingham, Washington, last year, most of us paid little or no attention to pipeline safety. The tragic events of June 10, 1999, changed that. While pipelines continue to be the safest means of transporting liquid fuels and gas, and though accidents may be infrequent and the more than two million miles of pipelines in the U.S., often invisible, Bellingham has shown us that pipelines pose potential dangers that we ignore at our peril.

State government, local government, and citizen groups in this state lost no time in answering the wake-up call from Bellingham and examining what they could do to improve pipeline safety. What they found was that while there are significant actions Washington can take to prevent and respond to accidents, such as improving the state's call-before-you-dig requirements, increasing public awareness, and training emergency response personnel, there is a lot the state cannot do with respect to prescribing safety standards because this area is preempted by federal law.

In light of this, I believe that Congress has an absolute obligation substantively to revise this

federal law. To this end, I advised my colleagues on the Commerce Committee last year that I intended to be actively involved in the reauthorization process this year, and my staff and I have spent considerable time talking to and meeting with people in Washington state and with federal regulators and industry representatives about what should be in these revisions. Last week I co-sponsored a bill, S. 2004, introduced by Senator Murray to amend the Pipeline Safety Act. Though we still have a lot more listening to do, I feel the bill's fundamental direction is right and I hope that the hearing today will help us significantly in refining the measure.

Based on what I have heard to date, I am committed to seeking the following changes in federal law:

First, I support efforts to allow states greater authority to adopt and enforce safety standards for interstate pipelines, particularly in light of the absence of meaningful federal standards. While there may be good arguments for why pipelines should be managed systemically and why inconsistent state prescriptions could erode rather than promote safety, these arguments are fatally undermined by the absence of meaningful federal standards. To tell state and local governments, as the Pipeline Safety Act effectively does, that they cannot require internal inspections of pipelines passing through their communities, under their schools and homes and senior centers, when the development of federal safety requirements is years overdue, strikes me as the worst kind of federal conceit. This increase in authority should be accompanied by an increase in grants to states to carry out pipeline safety activities.

Second, I agree with Senator Murray that we need to improve the collection and dissemination of information about pipelines to the public and to local and state officials responsible for preventing and responding to pipeline accidents. We also need to ensure that operators are collecting information necessary to assess accurately the risks to the particular line and are responding appropriately to these risks. State and local governments as well as the public should be informed about where pipelines are, what condition they are in, when they fail (we need to lower the threshold for reporting failures), and why they fail. That said, inundating people with unwanted technical detail may lead them to ignore it entirely and may not be the best way of meeting the public's right to know. We should, however, ensure that relevant information is gathered and made available over widely accessible means like the Internet.

Third, in addition to providing an explicit mechanism for states to seek additional regulatory

authority over interstate pipelines, federal legislation must ensure that meaningful standards for pipeline testing, monitoring, and operation are adopted at the national level. Congress has directed the DoT to do some of this in the past, but as I mentioned before, however, some of the rulemakings are years overdue. To the extent that lack of funding can account for some of the delay we should ensure sufficient appropriations to allow OPS to complete the necessary rulemakings and develop the technology needed to conduct reliable tests of pipelines.

In addition to ensuring that OPS adopts meaningful national standards, I agree with the recommendation of the DoT's Inspector General that OPS should act upon, either to reject or accept, the recommendations of the National Transportation Safety Board. I don't pretend to know whether NTSB's recommendations, that have been accumulating for years, will advance safety. It is unacceptable, however, that OPS simply ignore them.

Fourth, I have heard from citizens' groups who support the creation of a model oversight oil spill advisory panel in Washington state. I see a real value in creating such a body, and imbuing it with meaningful authority not only to respond to but to initiate the development of pipeline safety measures.

As I said earlier, however, the purpose of this hearing is not to lecture but to learn. That said, I invite my colleague, Senator Murray's, opening remarks.